

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

**IN RE: YASMIN AND YAZ (DROSPIRENONE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

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| <i>Ashley Behnke v. Bayer HealthCare Pharmaceuticals, Inc., et al.</i> | No. 3:12-cv-11070-DRH-PMF |
| <i>Andrea Branch Miller v. Bayer Corp., et al.</i> | No. 3:12-cv-11096-DRH-PMF |
| <i>Kimberly Busam v. Bayer Corp., et al.</i> ¹ | No. 3:12-cv-10690-DRH-PMF |
| <i>Nicole Carbonaro v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10788-DRH-PMF |
| <i>Elizabeth Carrion, et al. v. Bayer Corp., et al.</i> ² | No. 3:12-cv-10704-DRH-PMF |
| <i>Teffeny Collier-Wright v. Bayer Corp., et al.</i> | No. 3:12-cv-20105-DRH-PMF |
| <i>Danielle Davis v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-11137-DRH-PMF |
| <i>April Dugger, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> ³ | No. 3:11-cv-12436-DRH-PMF |
| <i>Amanda Fuller v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-11161-DRH-PMF |
| <i>Heather Glass v. Bayer Corp., et al.</i> | No. 3:12-cv-10991-DRH-PMF |
| <i>Jordon Henderson, et al. v. Bayer Corp., et al.</i> ⁴ | No. 3:12-cv-10700-DRH-PMF |
| <i>Erin E. Knowles v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10039-DRH-PMF |

¹ This motion applies only to plaintiffs Pamela McClellan and Lindsay Perrotta.

² This motion applies only to plaintiffs Andria Bowman and Elizabeth Carrion.

³ This motion applies only to plaintiff April Dugger.

⁴ This motion applies only to plaintiffs Mychelle Dixon, Courtney Green and Jordon Henderson.

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| <i>Paula Krutilek, et al. Bayer Corp., et al.</i> ⁵ | No. 3:12-cv-10698-DRH-PMF |
| <i>Jelisa Laurent v. Bayer Corp., et al.</i> | No. 3:12-cv-10465-DRH-PMF |
| <i>Thaira Lopez v. Bayer Corp., et al.</i> | No. 3:10-cv-12840-DRH-PMF |
| <i>Melodie Mixon v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10581-DRH-PMF |
| <i>Alexandrea Noack v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-11160-DRH-PMF |
| <i>Kelli Plummer v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-11283-DRH-PMF |
| <i>Gabrielle Qualman v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10040-DRH-PMF |
| <i>Stephanie Schwartz v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10706-DRH-PMF |
| <i>Elizabeth Stillion, et al. v. Bayer Corp., et al.</i> ⁶ | No. 3:12-cv-10855-DRH-PMF |
| <i>Elizabeth Stoneburg v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10119-DRH-PMF |
| <i>Jennifer Sykes v. Bayer Corp., et al.</i> | No. 3:12-cv-10715-DRH-PMF |
| <i>Natasha Thompson v. Bayer HealthCare Pharmaceuticals Inc., et al.</i> | No. 3:12-cv-10789-DRH-PMF |
| <i>Candace and Michael Trahan v. Bayer Corp., et al.</i> | No. 3:12-cv-10847-DRH-PMF |

BAYER HEALTHCARE PHARMACEUTICALS INC.’S
MOTION TO DISMISS WITH PREJUDICE

PLEASE TAKE NOTICE that Defendant Bayer HealthCare Pharmaceuticals Inc. moves, pursuant to Case Management Order 12 (“CMO 12”), for an Order dismissing Plaintiffs’ claims

⁵ This motion applies only to plaintiffs Paula Krutilek, Gaynell Walters, and Michelle Wright.

⁶ This motion applies only to plaintiff Monica McClary.

in the above-captioned matters with prejudice for failure to comply with their Plaintiff Fact Sheet (“PFS”) obligations.

On February 8, 2013, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations.⁷ The Court granted the motion on March, 11, 2013.⁸

More than 60 days since the entry of the order of dismissal without prejudice has passed, and Plaintiffs still have not complied with their PFS obligations. Accordingly, pursuant to Section E of CMO 12, Defendant Bayer HealthCare Pharmaceuticals Inc. respectfully requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

⁷ Behnke D.E. 8; Bowman D.E. 6; Branch Miller D.E. 6; Carbonaro D.E. 8; Carrion D.E. 6; Collier-Wright D.E. 19; Davis D.E. 6; Dixon D.E. 6; Dugger D.E. 7; Fuller D.E. 8; Glass D.E. 15; Green D.E. 6; Henderson D.E. 6; Knowles D.E. 6; Krutilek D.E. 6; Laurent D.E. 8; Lopez D.E. 7; McClary D.E. 7; McClellan D.E. 6; Mixon D.E. 6; Noack D.E. 8; Perrotta D.E. 6; Plummer D.E. 8; Qualman D.E. 6; Schwartz D.E. 6; Stoneburg D.E. 6; Sykes D.E. 6; Thompson D.E. 8; Trahan D.E. 7; Walters D.E. 6; Wright D.E. 6.

⁸ Behnke D.E. 9; Bowman D.E. 7; Branch Miller D.E. 7; Carbonaro D.E. 9; Carrion D.E. 7; Collier-Wright D.E. 20; Davis D.E. 7; Dixon D.E. 7; Dugger D.E. 8; Fuller D.E. 9; Glass D.E. 16; Green D.E. 7; Henderson D.E. 7; Knowles D.E. 7; Krutilek D.E. 7; Laurent D.E. 9; Lopez D.E. 8; McClary D.E. 10; McClellan D.E. 7; Mixon D.E. 7; Noack D.E. 9; Perrotta D.E. 7; Plummer D.E. 9; Qualman D.E. 7; Schwartz D.E. 7; Stoneburg D.E. 7; Sykes D.E. 7; Thompson D.E. 9; Trahan D.E. 8; Walters D.E. 7; Wright D.E. 7.

Dated: May 20, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/ John E. Galvin